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*D. Gaurer*  
*#10/B*  
*11-1-02*  
PATENT

S/N 09/600,094

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BUCHWALD ET AL.	Examiner:	M. WALLENHORST
Serial No.:	09/600,094	Group Art Unit:	1743
Filed:	AUGUST 22, 2000	Docket No.:	12335.1USWO
Title:	METHOD AND APPARATUS FOR DETERMINING BLOOD OXYGEN TRANSPORT		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on October 18, 2002.

By: *Sheryl A. Boerboom*  
Name: *Sheryl A. Boerboom*

AMENDMENT AND RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated July 18, 2002, Applicants request entry of the following amendments and consideration of the remarks below. In view of the following amendments and response, Applicants respectfully request favorable reconsideration of this application.

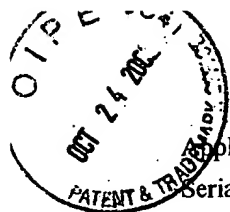
In the Claims

Please cancel claims ~~26~~ and ~~27~~ without prejudice. Please amend claims 1, 15, 19, 20, 22-24 as follows:

*330*  
*3017*  
*B1*

1. (Amended) A method for determining a patient's blood oxygen transport, comprising:  
obtaining a blood sample from the patient;  
measuring a rate of oxygen diffusion across a membrane of a red blood cell of the blood sample; and  
correlating the measured rate with:

**BEST AVAILABLE COPY**



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BUCHWALD ET AL. Examiner: M. WALLENHORST  
Serial No.: 09/600,094 Group Art Unit: 1743  
Filed: AUGUST 22, 2000 Docket: 12335.1USWO  
Confirmation No.: 8850  
Due Date: OCTOBER 18, 2002  
Title: METHOD AND APPARATUS FOR DETERMINING BLOOD OXYGEN TRANSPORT

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By:

  
Name: Sheryl A. Boerboom

Commissioner for Patents  
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Amendment Including Version With Markings To Show Changes Made
- ☒ Return postcard
- ☒ **PAYMENT OF THE EXCESS CLAIMS SHOULD BE CHARGED TO OUR DEPOSIT ACCOUNT #13-2725 IN THE AMOUNT OF \$189.00.**

## CLAIMS AS AMENDED

Claims Remaining After Amendment		Highest Number Previously Paid For		Present Extra		Rate		Fee
Total Claims								
54	-	33	=	21	x	9.00	=	\$189.00
Independent Claims								
5	-	5	=	0	x	42.00	=	\$0.00
MULTIPLE DEPENDENT CLAIM FEE								\$0.00
TOTAL FILING FEE								189.00

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:

  
Name: Mark T. Skoog  
Reg. No.: 40,178  
MSkoog:sab**BEST AVAILABLE COPY**